

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CIVIL CASE NO. 2:10cv17

IVA J. SMITH,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on the Plaintiff's Motion For Attorney's Fees Under the Equal Access to Justice Act and the Social Security Act [Doc. 20].

On October 14, 2011, the Defendant advised that the parties agree the appropriate award of attorney's fees is the amount of Five Thousand Two Hundred Sixty Dollars and Forty-Five Cents (\$5,260.45) which is in full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. §2412(d). The parties further agree that the Commissioner will accept an assignment of the awarded fees by the Plaintiff to her attorney and upon receipt of such assignment, the Commissioner will pay that award of fees

directly to Plaintiff's counsel provided that it is shown that as of the date of this Order, the Plaintiff does not owe any debt to the United States Government which is subject to offset. Astrue v. Ratliff, __ U.S. __, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010).

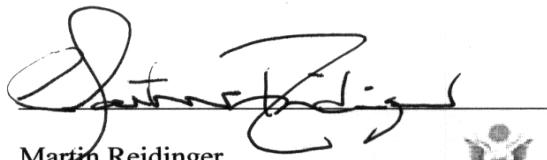
IT IS, THEREFORE, ORDERED that the Plaintiff's Motion For Attorney's Fees Under the Equal Access to Justice Act and the Social Security Act [Doc. 20] is hereby **GRANTED** and the Plaintiff is hereby awarded attorney's fees in the amount of Five Thousand Two Hundred Sixty Dollars and Forty-Five Cents (\$5,260.45) which is in full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. §2412(d).

IT IS FURTHER ORDERED that the Commissioner shall inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset no later than thirty (30) days from entry of this Order. Within the same time period, the Plaintiff shall provide any valid fee assignment to the Defendant.

IT IS FURTHER ORDERED that in the event past-due benefits are awarded on remand, the Plaintiff shall have sixty (60) days after being served with notice of the past-due benefits award to file for an award of fees pursuant to the Social Security Act, 42 U.S.C. §406(b).

IT IS FURTHER ORDERED that no additional Petition pursuant to 28 U.S.C. §2412(d) may be filed.

Signed: October 18, 2011



Martin Reidinger
United States District Judge

